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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,081	08/14/2000	Naotaka Katoh	JA9-1999-0145.US1	1009

7590 06/15/2005  
James E. Murray  
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Poughkeepsie, NY 12601

EXAMINER

DADA, BEEMNET W

ART UNIT PAPER NUMBER

2135

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/638,081

Applicant(s)

KATOH ET AL.

Examiner

Beemnet W. Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5,11-13,16-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,11-13,16-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The request filed 14 March 2005 for a request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application 09/638,081 is acceptable and an RCE has been established. Claims 1-3, 5, 11, 12, 13, 16-19 and 21 have been amended and claims 4, 6-10, 14-15 and 20 have been cancelled. Claims 1-3, 5, 11, 12, 13, 16-19 and 21 are pending.

### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities: Claim 5 depends from a cancelled claim 4. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 11, 13, 16, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by IBM Technical Disclosure Bulletin, "Security Audit Trail Provision for Personal Computers" June 1994, Volume Number 37, Issue Number 6B (hereinafter referred to as IBM).

5. As per claims 1, 11 and 16, IBM teaches a method for preventing an unauthorized access to information equipment comprising the steps of:

storing utilization information of the information of previous access to the information equipment along with at least one password in an electrically writeable read only memory (non-volatile memory) having access controls that control access to reading and/or writing the utilization information [first page, paragraph 6 and page 2, paragraphs 1 and 3-4];

informing a current user of the utilization information of previous access when the current user obtains access to the information equipment [first page, paragraph 3] ; and

writing utilization information of the current access into electrically writeable read only memory for informing a future user of the current users access and using the access controls to read and/or write utilization information and to block access of the current user for modification of such utilization information [second page, paragraphs 5 – page 3 paragraph 2]; and

writing the utilization information in at least any one of when the information equipment is powered on, when the information equipment resumes from power saving mode, and when a specific function of the information is selected [page 2, paragraphs 5 – page 3 paragraph 2]

6. As per claim 3, IBM teaches the method above. Furthermore, IBM teaches the method, wherein the current utilization information of the information equipment is obtained by reading utilization information that should be obtained next time and is written in the storage means, or by reading information necessary for obtaining the utilization information written in the storage means and performing predetermined calculation with using the information that is read (second page, first paragraph).

7. As per claim 13, IBM teaches the method claim above. Furthermore, IBM teaches the method, wherein the storage means comprises an EEPROM (non-volatile memory) that can lock storage contents from modification by a user (second page, first paragraph).

8. As per claims 19 and 21, IBM further teaches writeable read only store with access control with the ability to provide read only access or write protected access [page 2, paragraph 2].

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 5, 12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Technical Disclosure Bulletin, "Security Audit Trail Provision for Personal Computers" June 1994, Volume Number 37, Issue Number 6B (hereinafter refereed to as IBM).

11. As per claims 2, 5, 12 and 17, IBM teaches the method as applied above. Furthermore, IBM teaches the method, wherein the current utilization information includes at least one of the last date and time of power-on or the last date and time of power-off of the information equipment, the last date and time of shifting the information equipment to the power saving mode or the last date and time of resuming the information equipment from the power saving mode (unattended start mode), and the last date and time when a specific function of the information equipment was selected or the last date and time when use of the specific function of the information equipment was completed, (first page paragraph 6, continued on second page).

However, IBM is silent on the method, wherein the current utilization information includes at least one of the number of power-on times of the information equipment, the number of resumes of the information equipment from a power saving mode, the number of selections of a specific function of the information equipment, the number of activation times of the information equipment comprising including the number of power-on times and the number of resumes from the power saving mode.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement utilization information that includes the number of use of computer equipment. This would have been obvious because IBM clearly teaches that each time the computer equipment is powered on or returned from unattended start mode, the system records the date and time of the use (first page, paragraph 6). Based on this teaching, it would have been obvious to a person skilled in the art to include utilization information that includes the number of use of the computer equipment, provided by the system records as per teachings of IBM.

12. As per claim 18, IBM teaches the method as applied to claim 17 above. Furthermore, IBM teaches the method further including:

software for writing utilization information to be obtained or information necessary for obtaining utilization information into a non-volatile storage means that can lock storage contents, and locking the storage contents of the storage means (first page paragraph 6, and second page, paragraph 1).

***Response to Arguments***

13. Applicant's arguments with respect to claims 1, 11 and 16, have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) US Patent 6,711,687 B1 teaches a security monitoring apparatus based on access log and method.

b) US Patent 6,647,400 B1 teaches a system and method for analyzing file systems to detect intrusions.

c) Tru64 UNIX publication teaches storing audit information including utilization information, passwords and ACL in a storage [see section 6.5].

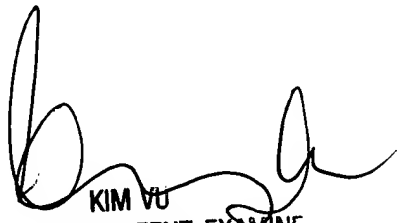
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

June 10, 2005



KIM VU  
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